

Summary
Environmental Rules Board
Indiana Government Center South
Conference Room A
Indianapolis, Indiana
Wednesday, March 12, 2014

1. CALL TO ORDER

Chair Beverly Gard called the meeting to order at 1:30 p.m. A quorum was present.

Members present: Beverly Gard; William Etzler; Gary Powdrill; Ken Rulon; Chris Horn; Gail Boydston; Joanne Alexandrovich; Calvin Davidson; Mike Mettler; Pam Fisher; Chris Smith (substituting for Cameron Clark); David Bausman; and Tom Easterly.

Present for IDEM: Bruce Palin, Assistant Commissioner, Office of Land Quality; Jody Arthur, Technical Environmental Specialist, Watershed Assessment and Planning Branch, Office of Water Quality; Chris Pedersen, Section Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC); Dan Watts, Rulewriter, RDS, OLC; and, Susan Bem, Rulewriter, RDS, OLC.

2. INTRODUCTION OF BOARD MEMBERS

Chair Gard asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF MEETING SUMMARY

Prior to approval of the October 9, 2013 meeting summary, Chair Gard noted a couple of typographical errors found in the summary that had been corrected. She clarified that those errors were not an essential part of the meeting's contents and therefore would not affect the voting process of the summary.

Chair Gard called for approval of the October 9, 2013 meeting summary. A motion was made and seconded to accept the October 9, 2013 meeting summary. The Board voted to approve the October 9, 2013 meeting summary without changes.

4. REPORTS

- 2014 Legislature Update – Commissioner Tom Easterly identified two environmental law changes that may require rulemaking if the Governor signs them. Those law changes pertain to the restrictive covenant law and the compost registration law. He discussed how the environmental restrictive covenant law would require IDEM to set fees to cover the cost of reviewing revisions to the covenant. He also discussed how the compost registration law would be changed to include other organic materials in addition to the vegetative matter.
- Ozone and PM_{2.5} Standards – Commissioner Easterly clarified IDEM's preliminary recommendations that were sent in November 2013 to the United States Environmental Protection Agency (U.S. EPA) regarding the designated attainment and nonattainment areas for the new PM_{2.5} standards.
- IDEM Rulemaking Schedules – Ms. Chris Pedersen discussed the rulemakings that would be presented at the April board meeting. She briefed the Board on the other rulemakings listed in the chart that would come later in the year.

5. RULEMAKING ACTIONS

Global Warming Potentials Table Emergency Rule

Chair Gard opened the hearing for consideration of adoption of the Global Warming Potentials Table emergency rule and introduced Exhibit A, proposed emergency rule, into the record of hearing.

Ms. Susan Bem spoke for the agency. She discussed how the emergency rule would update the values in the global warming potential table referenced in the air permitting rules.

There was no Board discussion. Mr. Chris Horn made a motion to adopt the proposed emergency rule and Mr. William Etzler seconded. The Board voted to adopt the emergency rule.

Sulfur Dioxide Designations Emergency Rule

Chair Gard opened the hearing for consideration of adoption of the Sulfur Dioxide Designations emergency rule and introduced Exhibit B, proposed emergency rule, into the record of hearing.

Ms. Pedersen spoke for the agency. She reminded the Board of the last emergency rule that contained the same sulfur dioxide designations, adopted in October 2013. She added that the regular rulemaking would be presented at today's meeting.

There was no Board discussion. Mr. Gary Powdrill made a motion to adopt the proposed emergency rule and Mr. Ken Rulon seconded. The Board voted to adopt the emergency rule.

LSA #13-502 Sulfur Dioxide Designations

Chair Gard opened the public hearing for final adoption of amendments to 326 IAC 1-4, Sulfur Dioxide Designations. She then introduced Exhibit C, proposed rule, into the record of hearing.

Ms. Chris Pedersen spoke for the agency. She stated these were the same changes presented in the emergency rule for Sulfur Dioxide Designations.

There were no public comments and no Board discussion. Mr. Chris Horn made a motion to final adopt the proposed rule and Mr. Powdrill seconded. The Board voted to adopt the rule.

LSA #13-503 Alcoa Best Available Retrofit Technology (BART) Revision

Chair Gard opened the public hearing for final adoption of amendments to 326 IAC 26-2-2, Alcoa BART Revision. She then introduced Exhibit D, draft rule, into the record of hearing.

Ms. Pedersen spoke for the agency. She discussed how the rule makes a correction to existing language regarding the Warrick Power Station for Alcoa Power Generating, Incorporated.

Ms. Joanne Alexandrovich questioned Ms. Pedersen about whether U.S. EPA had approved the current rule and if Alcoa had disclosed the nature of its hardship. Ms. Pedersen indicated that she did not know the details of Alcoa's request, but that changing the rule language from "rolling" average to "daily" average, Alcoa would generate one value per day rather than one value per hour to determine compliance. Mr. Rulon asked if Alcoa paid a fee to IDEM for correcting a mistake that Alcoa had made in the rule. Commissioner Easterly clarified that Alcoa did not pay an additional fee for the correction made to the rule.

There were no public comments. Mr. Powdrill made a motion for the final adoption of the rule and Mr. Calvin Davidson seconded. The Board voted to final adopt the rule.

LSA #11-454 Solid Waste Financial Assurance

Chair Gard opened the public hearing for final adoption of amendments to 329 IAC 10-12-2 and 329 10-39, Solid Waste Financial Assurance. She then introduced Exhibit E, Preliminarily Adopted Rules with IDEM's Suggested Changes Incorporated, into the record of hearing.

Mr. Dan Watts spoke for the agency. He discussed how the amendments to the rule would revise requirements for the local government financial test and the restricted waste site financial test. He noted that there were also additional federal requirements included in the rule.

Chair Gard called on a public commenter to speak. Mr. Dan Weiss, Director of Energy and Environmental Affairs at Duke Energy, commented that he supported the rulemaking. There were no further public comments.

Mr. Davidson made a motion to adopt IDEM's suggested changes to the preliminarily adopted rule and Mr. Etzler seconded. The Board voted to adopt IDEM's suggested changes. Thereafter, Mr. Rulon made a motion to adopt the final rule as amended and Mr. Davidson seconded. The Board voted to final adopt the rule as amended.

6. NONRULE POLICY DOCUMENT(NPD) PRESENTATION

Mr. Bruce Palin, Assistant Commissioner, Office of Land Quality, presented the Solid Waste Permits and Registrations – Late Renewal Applications Policy, Waste-0062-NPD. He discussed how the NPD addresses the issue stemming from the permit renewal applications not being submitted to the agency in time to process them before their expiration dates.

7. 2014 303(d) LIST OF IMPAIRED WATERS PRESENTATION

Ms. Jody Arthur gave a PowerPoint presentation about the 2014 303(d) List of Impaired Waters. She stated that the Clean Water Act Sections 305(b) and 303(d) are combined into 1 report and submitted to U.S.EPA every two years. She clarified overall the process for monitoring and assessing Indiana's impaired waters.

8. OPEN FORUM

No additional issues were brought to the Board.

9. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m., EDT on Wednesday, April 9, 2014, at the Indiana Government Center South Conference Room A. Chair Gard adjourned the meeting at 3.09p.m.


CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries, you may go online to <http://www.in.gov/idem/4696.htm>.